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UNITED STATES OF AMERICA  
DEPARTMENT OF TRANSPORTATION  
OFFICE OF THE SECRETARY  
WASHINGTON, D.C.

Order 96-4-20

**SERVED** APR 16 1996

Issued by the Department of Transportation  
on the 10th day of April, 1996

**Applications of**

America West Airlines, Inc.  
American Air Lines, Inc.  
Amerijet International, Inc.  
Carnival Air Lines, Inc.  
Continental Airlines, Inc.  
Delta Air Lines, Inc.  
Federal Express Corporation

Northwest Airlines, Inc.

USAir, Inc.

for exemptions or authorities under 49 U.S.C. section  
40109 and the orders and regulations of the Department  
of Transportation

Dockets OST-96-1069 - 4  
OST-96-1141 - 4  
OST-96-1046 (48058) - 3  
OST-96-1003 - 3  
OST-96-1063 - 4  
OST-96-1043 - 3  
OST-95-838 (44678) - 3  
OST-96-1158 (48863, - 4  
(48001, 49552, 49797)  
OST-96-1010 - 3  
OST-96-1089 (45766) - 3  
OST-95-55 (50038) - 5

**ORDER**

The captioned U.S. air carriers have applied for various forms of authority or relief from Title 49 of the U.S. Code or regulations or orders of the Department in order to perform the air transportation activities shown in the attached Notices of Action Taken. Except as noted, no answers were filed to these requests. Because of the imminence of these operations, we approved them by telephone, subject to adherence, by each applicant, to the conditions set forth in its certificate(s) of public convenience and necessity, and/or conditions attached.

We carefully considered the information set forth in each application described in the attached Notices of Action Taken, and we found that each of the proposed operations was consistent with the public interest and was consistent with an applicable bilateral aviation agreement and/or the aviation relationship between the United States and the foreign country involved,

that each applicant was qualified to perform its proposed operations, and that each application should be approved.

Under authority assigned by the Department in its Regulations, 14 CFR Part 385, we found that for each operation (1) immediate action was required and was consistent with Department policy; (2) grant of the exemption or authority was consistent with the public interest; and (3) grant of this authority would not constitute a major regulatory action under the Energy Policy and Conservation Act of 1975.<sup>1</sup>

ACCORDINGLY,

1. We confirm the actions described in the attached Notices of Action Taken, which granted the referenced U.S. air carriers (1) exemptions from the provisions of Section 41101 and where necessary 41504 or as noted in the attached notices, other sections of Title 49 U.S.C.; or (2) relief or authorizations as provided for under regulations or orders of the Department, to the applicants to perform the operations described in the attached Notices of Action Taken;
2. In the conduct of the service, each applicant was to adhere to the conditions set forth in the Appendix, and to any other conditions as noted in the attached Notices of Action Taken;
3. To the extent not granted, or explicitly deferred as noted in the attached Notices of Action Taken, these applications are denied; and
4. We may amend, modify, or revoke this order at any time without hearing.

Persons entitled to petition the Department for review of this order under the Department's Regulations, 14 CFR 385.50, may file their petitions within ten (10) days after the date of service of this order. The filing of a petition for review of a particular action shall affect this order only as it concerns that action.

These actions were effective when taken, and the filing of a petition for review will not alter their effectiveness.

By:

PAUL L. GRETCH  
Director  
Office of International Aviation

(SEAL)

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<sup>1</sup> On the basis of data officially noticeable under Rule 24(n) of the Department's regulations, we found that each U.S. air carrier applicant for an operating exemption is qualified to provide the services authorized.

## **Appendix**

### **U.S. Carrier** **Standard Exemption Conditions**

In the conduct of the operations authorized by the attached order, the applicants(s) shall:

- (1) Hold at all times effective operating authority from the government of each country served;
- (2) Comply with applicable requirements concerning oversales contained in 14 CFR 250 (for scheduled operations, if authorized);
- (3) Comply with the requirements for reporting data contained in 14 CFR 241;
- (4) Comply with the requirements for minimum insurance coverage, and for certifying that coverage to the Department, contained in 14 CFR 205;
- (5) Comply with the requirements of 14 CFR 203, concerning waiver of Warsaw Convention liability limits and defenses;
- (6) Comply with the applicable requirements of the Federal Aviation Administration Regulations; and
- (7) Comply with such other reasonable terms, conditions, and limitations required by the public interest as may be prescribed by the Department of Transportation, with all applicable orders and regulations of other U.S. agencies and courts, and with all applicable laws of the United States.

The authority granted or confirmed by the attached order shall be effective only during the period when the holder is in compliance with the conditions imposed above.



**U.S. Department of  
Transportation**

Office of the Secretary  
of Transportation

**C O R R E C T E D \***

400 Seventh St. S.W.  
Washington, D.C. 20590

**RENEWAL**

**NOTICE OF ACTION TAKEN**

**April 2, 1996**

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This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.

Application of AMERICA WEST AIRLINES, INC. filed 2/9/96 in Docket OST-96-1069 for:

XX Exemption for one year under 49 U.S.C. 40109 to provide the following service:

**Scheduled foreign air transportation of persons, property, and mail between the terminal point Phoenix, Arizona, and Mexico City, Mexico.**

Applicant rep: John Gillick (202)775-9800 DOT Analyst: Linda Lundell (202)366-2336

**D I S P O S I T I O N**

**XX** **Granted (see remarks)**

The above action was effective when taken: March 7, 1996, through March 7, 1997, until  
90 days after final Department action on a corresponding certificate application, whichever occurs earlier.

XX Under assigned authority (14 CFR 385) by: **Paul L. Gretch, Director**  
**Office of International Aviation**  
(Petitions for review may be filed from now until  
10 days after the confirming order/letter issues.  
Filing of a petition shall not stay the effectiveness of this action.)

XX **Authority granted is consistent with the aviation agreement between the United States and Mexico.**

Except to the extent exempted or waived, this authority is subject to the terms, conditions, and limitations indicated: XX **Holder's certificate of public convenience and necessity.**

XX **Standard Exemption Conditions attached**

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Special Conditions/Remarks: **The U.S.-Mexico authority granted is subject to the dormancy notice requirements set forth in condition 7 of Appendix A of Order 88-10-2.**

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\* Corrects Notice of Action Taken dated March 7, 1996, to reflect correct docket number OST-96-1069.



**U.S. Department of  
Transportation**

Office of the Secretary  
of Transportation

400 Seventh St. S.W.  
Washington, D.C. 20590

3/20/96

NEW

NOTICE OF ACTION TAKEN

This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.

Application of American Airlines, Inc. filed 3/11/96 Docket OST-96-1141 for:

**XX** Allocation of seven weekly frequencies for Miami-Grand Cayman services.

American states that Northwest Airlines will reduce its Miami-Grand Cayman services from two to one daily flight on May 31, 1996. American requests that it be allocated Northwest's seven frequencies so that American may operate a third daily flight in the Miami-Grand Cayman market beginning June 1, 1996.

Applicant rep.: Carl B. Nelson, 202-496-5647 DOT analyst: Sylvia Moore, 202-366-6519

DISPOSITION

**XX** Granted

The above action was effective when taken on March 19, 1996 through March 19, 1997

**XX** Under assigned authority (14 CFR 385) by:

PAUL L. GRETCH, Director  
Office of International Aviation  
(Petitions for review may be filed from now until  
10 days after the confirming order/letter issues.  
Filing of a petition shall not stay the effectiveness  
of this action.)

**XX** Authority granted is consistent with the aviation agreement between the United States and the United Kingdom.

Except to the extent exempted or waived, this authority is subject to the terms, conditions and limitations indicated:

- XX** Holder's certificate of public convenience and necessity
- XX** Standard exemption conditions (attached)

**Remarks:** Consistent with our standard practice, the frequency allocation awarded is subject to the condition that it will expire automatically and the frequencies will revert back to the Department if they are not used for 90 days. (See e.g., Orders 95-11-9 and 96-2-15). The dormancy period will begin June 1, 1996, American's proposed startup date for the third daily Miami-Grand Cayman service.

We acted on this application without awaiting expiration of the 15-day answer period with the consent of all parties served.



**U.S. Department of  
Transportation**

Office of the Secretary  
of Transportation

400 Seventh St. S.W.  
Washington, D.C. 20590

2/26/96

RENEW

NOTICE OF ACTION TAKEN

This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.

Application of Amerijet International, Inc. filed 1/31/96 Docket OST-96-1046 (48058) for:

XX Renew for two years exemption under 49 U.S.C. section 40109 to engage in scheduled foreign air transportation of property and mail between Miami, Florida, and Panama City, Panama, and to integrate this authority with its existing authority to serve points in the Caribbean, Mexico, and Central and South America.

Applicant rep.: John Richardson, 202-496-1234 DOT analyst: Sylvia Moore, 202-366-6519

DISPOSITION

XX Granted

The above action was effective when taken on February 26, 1996 through February 26, 1998

XX Under assigned authority (14 CFR 385) by:

PAUL L. GRETCH, Director  
Office of International Aviation  
(Petitions for review may be filed from now until  
10 days after the confirming order/letter issues.  
Filing of a petition shall not stay the effectiveness  
of this action.)

XX Authority granted is consistent with the aviation agreement between the United States and Panama.

Except to the extent exempted or waived, this authority is subject to the terms, conditions and limitations indicated:

XX Holder's certificate of public convenience and necessity

XX Standard exemption conditions (attached)

**Remarks:** Route integration authority granted is subject to the provisions of the aviation agreements between the United States and the foreign countries involved.



**U.S. Department of  
Transportation**  
Office of the Secretary  
of Transportation

400 Seventh St. S.W.  
Washington, D.C. 20590

2/12/96

NEW

## NOTICE OF ACTION TAKEN

This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.

Application of Carnival Air Lines, Inc. filed 1/18/96 Docket OST-96-1003 for:

XX Exemption under 49 U.S.C. section 40109 to engage in scheduled foreign air transportation of persons, property, and mail between Ft. Lauderdale, Florida, and San Jose, Costa Rica.

Applicant rep.: Robert N. Duggan, (305) 873-6788 DOT analyst: Sylvia Moore, 202-366-6519

## DISPOSITION

XX Granted

The above action was effective when taken on February 9, 1996, through February 9, 1997

XX Under assigned authority (14 CFR 385) by:

PAUL L. GRETCH, Director  
Office of International Aviation  
(Petitions for review may be filed from now until  
10 days after the confirming order/letter issues.  
Filing of a petition shall not stay the effectiveness  
of this action.)

XX The authority granted is consistent with the aviation agreement between the United States and Costa Rica.

Except to the extent exempted or waived, this authority is subject to the terms, conditions and limitations indicated:

XX Holder's certificate of public convenience and necessity

XX Standard exemption conditions (attached)



**U.S. Department of  
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Office of the Secretary  
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400 Seventh St. S.W.  
Washington, D.C. 20590

NEW

2/14/96

**NOTICE OF ACTION TAKEN**

This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.

Application of Continental Airlines, Inc. filed 2/8/96 Docket OST-96-1063 for:

XX Exemption for two years under 49 U.S.C. section 40109 to (1) engage in scheduled foreign air transportation of persons, property, and mail between Newark, New Jersey, and Guatemala City, Guatemala via San Salvador, El Salvador, with local traffic rights between San Salvador and Guatemala and (2) integrate this authority with its existing exemption and certificate authority.

Applicant rep.: R. Bruce Keiner, 202-624-2500 DOT analyst: Sylvia Moore, 202-366-6519

**DISPOSITION**

XX Granted

The above action was effective when taken on February 14, 1996, through February 14, 1998

XX Under assigned authority (14 CFR 385) by:

PAUL L. GRETCH, Director  
Office of International Aviation  
(Petitions for review may be filed from now until  
10 days after the confirming order/letter issues.  
Filing of a petition shall not stay the effectiveness  
of this action.)

XX The authority granted is consistent with the aviation agreements between the United States and El Salvador and the United States and Guatemala.

Except to the extent exempted or waived, this authority is subject to the terms, conditions and limitations indicated:

XX Holder's certificate of public convenience and necessity

XX Standard exemption conditions (attached)

**Conditions:** Route integration authority granted is consistent with aviation agreements between the foreign countries involved.

**Remarks:** We acted on this application without awaiting expiration of the 15-day answer period with the consent of all parties served.





**U.S. Department of  
Transportation**

Office of the Secretary  
of Transportation

400 Seventh St. S.W.  
Washington, D.C. 20590

4/1/96

## RENEW

### NOTICE OF ACTION TAKEN

This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.

Application of Delta Air Lines, Inc. filed 1/30/96 Docket OST-96-1043 for:

XX Renew for two years exemption under 49 U.S.C. section 40109 to engage in scheduled foreign air transportation of persons, property, and mail between Atlanta, Georgia, and Paris, France.

Applicant rep.: Robert Cohn, 202-663-8060 DOT analyst: Sylvia Moore, 202-366-6519

### DISPOSITION

XX Granted

The above action was effective when taken on March 29, 1996, through March 29, 1998

XX Under assigned authority (14 CFR 385) by:

PAUL L. GRETCH, Director  
Office of International Aviation  
(Petitions for review may be filed from now until  
10 days after the confirming order/letter issues.  
Filing of a petition shall not stay the effectiveness  
of this action.)

XX Authority granted is consistent with the state of overall aviation relations between the United States and France.

Except to the extent exempted or waived, this authority is subject to the terms, conditions and limitations indicated:

XX Holder's certificate of public convenience and necessity

XX Standard exemption conditions (attached)



**U.S. Department of  
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**CORRECTED COPY\***

2/27/96

**RENEW & AMEND  
NOTICE OF ACTION TAKEN**

This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.

Application of Federal Express Corporation filed 11/16/95 Docket OST-95-838 (44678) for:

XX (1) Renew exemption for two years under 49 U.S.C. section 40109 to integrate its authority on Routes 119, 205-F, 451, 472, 473, 553, and 568 so as to permit flexibility to provide round-the-world service over various routings; (2) amend exemption to integrate this authority with its authority on Route 638 (U.S.-China).

Applicant rep.: Nathaniel Breed, 202-663-8078 DOT analyst: Sylvia Moore, 202-366-6519

**DISPOSITION**

XX Granted

The above action was effective when taken on February 26, 1996 through February 26, 1998,  
(or until 90 days after final Department action on related Docket 45985, whichever occurs earlier)

XX Under assigned authority (14 CFR 385) by: **PAUL L. GRETCH, Director**  
Office of International Aviation  
(Petitions for review may be filed from now until  
10 days after the confirming order/letter issues.  
Filing of a petition shall not stay the effectiveness  
of this action.)

Except to the extent exempted or waived, this authority is subject to the terms, conditions and limitations indicated:

XX Holder's certificate of public convenience and necessity

XX Standard exemption conditions (attached)

**Remarks:** The authority being renewed here had been kept in force beyond its prescribed expiration date (January 19, 1996) pursuant to the provisions of the Administrative Procedure Act 5 U.S.C. 558(c), as implemented by 14 CFR Part 377, pending action on Federal Express' timely filed renewal application.

Route integration authority granted is subject to the provisions of the aviation agreements between the United States and the foreign countries involved.

**\*Corrects Notice of Action Taken dated February 26, 1996, to reflect the proper docket number OST-95-838.**



**U.S. Department of  
Transportation**

Office of the Secretary  
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400 Seventh St. S.W.  
Washington, D.C. 20590

3/22/96

NEW

NOTICE OF ACTION TAKEN

This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.

Application of Federal Express Corporation filed 3/15/96 Docket OST-96-1158 (48663, 48001, 49552, 49797) for:

XX Exemption for two years under 49 U.S.C. section 40109 to engage in scheduled foreign air transportation of property, and mail (1) beyond Beijing to all points in the People's Republic of China open to scheduled international operations in conjunction with its New York-Beijing operations authorized on its certificate for Route 638, and to return from such points to New York either directly or via Beijing; (2) between Los Angeles, California and Beijing/Shanghai as an additional U.S.-China route, and (3) between the coterminal points Chicago, Illinois; Columbus, Ohio; Los Angeles, California; San Francisco, California; Seattle, Washington; Anchorage; Fairbanks, Alaska; and New York, New York; and the coterminal points Guangzhou and Shanghai, China, and to integrate this authority with its other existing U.S.-China certificate and exemption authority. In addition, Federal Express seeks authority to add Chicago, Illinois; Columbus, Ohio; Los Angeles, California; San Francisco, California; and Anchorage, Alaska as intermediate points to its existing New York-Beijing and beyond route authority.

XX Waiver of 14 CFR 377.10(c)

XX Applicant rep.: Nathaniel P. Breed, 202-663-8078 DOT analyst: Teresa Bingham, 202-366-2390

DISPOSITION

XX Granted Exemption (See Below)

XX Dismissed Waiver Request

The above action was effective when taken on March 20, 1996 through March 20, 1998

XX Under assigned authority (14 CFR 385) by:

PAUL L. GRETCH, Director  
Office of International Aviation  
(Petitions for review may be filed from now until  
10 days after the confirming order/letter issues.  
Filing of a petition shall not stay the effectiveness  
of this action.)

XX Authority granted is consistent with the aviation agreement between the United States and the People's Republic of China.

(See Reverse Side)



U.S. Department of  
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Office of the Secretary  
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**CORRECTED COPY\***

NEW

4/3/96

**NOTICE OF ACTION TAKEN**

This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.

Application of Northwest Airlines, Inc. filed 1/19/96 Docket OST-96-1010 for:

XX Exemption under 49 U.S.C. section 40109 to engage in scheduled foreign air transportation of persons, property, and mail between the United States, on the one hand, and Dortmund and Paderborn, Germany, on the other, via Amsterdam. Northwest plans to operate this service pursuant to a code-share arrangement with KLM Royal Dutch Airlines under which Eurowings Luftverkehrs AG (Eurowings), KLM's commercial partner, will operate on behalf of KLM and Northwest on the Amsterdam-Dortmund and Amsterdam-Paderborn segments.

Applicant rep.: Megan Rae Poldy, 202-842-3193 DOT analyst: Sylvia Moore, 202-366-6519

**DISPOSITION**

XX Granted

The above action was effective when taken on February 14, 1996, through February 14, 1997

XX Under assigned authority (14 CFR 385) by: **PAUL L. GRETCH, Director**  
Office of International Aviation  
(Petitions for review may be filed from now until  
10 days after the confirming order/letter issues.  
Filing of a petition shall not stay the effectiveness  
of this action.)

XX Authority granted is consistent with the U.S.-Germany Transitional Air Transport Agreement.

Except to the extent exempted or waived, this authority is subject to the terms, conditions and limitations indicated:

XX Holder's certificate of public convenience and necessity

XX Standard exemption conditions (attached)

**Conditions:** The code-sharing operations authorized herein must comply with 14 CFR 399.88 of the Department's regulations and any amendments to the Department's regulations concerning code-share arrangements that may be adopted and are expressly conditioned upon the requirements that the subject foreign air transportation be sold in the name of the carrier holding out such service in computer reservation systems and elsewhere, that the carrier selling such transportation accept all obligations established in its contract of carriage with the passenger (*i.e.*, the ticket) and that the operator shall not permit the code of its U.S. carrier code-sharing partner to be carried on any flight that enters, departs, or transits the airspace of any area for whose airspace the Federal Aviation Administration has issued a flight prohibition.

\* Corrects Notice of Action Taken dated February 14, 1996, to reflect correct filing date and correct docket number.



**U.S. Department of  
Transportation**

Office of the Secretary  
of Transportation

400 Seventh St. S.W.  
Washington, D.C. 20590

4/1/96

RENEW  
NOTICE OF ACTION TAKEN

This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.

Application of Northwest Airlines, Inc. filed 2/20/96 Docket OST-96-1089 (45766) for:

XX Renew for two years exemption under 49 U.S.C. section 40109 to engage in scheduled foreign air transportation of persons, property, and mail between Detroit, Michigan, and Paris, France, on a nonstop basis and via Frankfurt, Federal Republic of Germany, as an intermediate and/or beyond point without local traffic rights.

Applicant rep.: Megan Rae Poldy, 202-842-3193 DOT analyst: Sylvia Moore, 202-366-6519

DISPOSITION

XX Granted

The above action was effective when taken on March 29, 1996, through March 29, 1998,  
(or until 90 days after final Department action on Northwest's certificate application in Docket 45767, whichever occurs earlier)

XX Under assigned authority (14 CFR 385) by:

PAUL L. GRETCH, Director  
Office of International Aviation  
(Petitions for review may be filed from now until  
10 days after the confirming order/letter issues.  
Filing of a petition shall not stay the effectiveness  
of this action.)

XX Authority granted is consistent with the aviation agreement between the United States and the Federal Republic of Germany, and the overall state of aviation relations between the United States and France.

Except to the extent exempted or waived, this authority is subject to the terms, conditions and limitations indicated:

XX Holder's certificate of public convenience and necessity

XX Standard exemption conditions (attached)



**U.S. Department of  
Transportation**

Office of the Secretary  
of Transportation

400 Seventh St. S.W.  
Washington, D.C. 20590

2/26/96

RENEW

NOTICE OF ACTION TAKEN

This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.

Application of USAir, Inc. filed 2/8/96 Docket OST-95-55 (50038) for:

XX Renew exemption under 49 U.S.C. section 40109 to engage in scheduled foreign air transportation of persons, property, and mail between Pittsburgh, Pennsylvania, and Montreal, Canada.

XX Applicant rep.: Cathleen Peterson, 202-298-8660 DOT analyst: Sylvia Moore, 202-366-6519

DISPOSITION

XX Granted

The above action was effective when taken on February 26, 1996 through February 26, 1997,  
(or until 90 days after final Department action on USAir's certificate application in Docket 50086, whichever occurs earlier)

XX Under assigned authority (14 CFR 385) by:

PAUL L. GRETCH, Director  
Office of International Aviation  
(Petitions for review may be filed from now until  
10 days after the confirming order/letter issues.  
Filing of a petition shall not stay the effectiveness  
of this action.)

XX Authority granted is consistent with the Air Transport Agreement between the United States and Canada signed on February 24, 1995.

Except to the extent exempted or waived, this authority is subject to the terms, conditions and limitations indicated:

XX Holder's certificate of public convenience and necessity

XX Standard exemption conditions (attached)